

REMARKS

Applicants have received and carefully reviewed the Final Office Action of the Examiner mailed November 20, 2009. Currently, claims 22, 24-28, and 30-36 remain pending. Claims 31-34 and 36 have been withdrawn subsequent an Examiner imposed restriction. Claims 22, 24-28, 30, and 35 have been rejected. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 22, 24-28, 30, and 35 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Matsumoto et al. (U.S. Patent No. 4,610,665) in view of Picha et al. (U.S. Patent No. 5,080,654). Applicants respectfully traverse the rejection.

Turning to independent claim 27, which recites:

22. A catheter, comprising:
an elongate catheter shaft having a proximal end, a distal end, a guidewire lumen defined therethrough, and an inflation lumen defined therethrough;
a balloon disposed adjacent the distal end of the catheter shaft, the balloon being in fluid communication with the inflation lumen;
a port disposed at the proximal end of the catheter shaft, the port having an opening defined therein that is in fluid communication with the inflation lumen and a flanged end; and
a seal member releasably attached to the flanged end and covering the opening;
wherein the seal member has a solid cross-section.

Independent claim 35, as amended, recites in part, "the seal does not include a preformed opening." Neither Matsumoto et al. nor Picha et al., taken alone or in combination, appear to teach or suggest a catheter including a releasable seal member including a solid cross-section. Matsumoto et al. appear to disclose a medical device including a valve body. The valve body appears to be configured to allow an additional medical device to pass through the valve body into the medical device. The valve body appears to include two slits crossing each other. The additional medical device appears to pass through the cross-section of the slits such that the slits. Matsumoto et al. do not appear to teach or suggest a seal having a solid cross-section or a releasable seal. Picha et al. do not appear to teach that which Matsumoto et al. lack.

Picha et al. appear to disclose a fluid injection device for an intravenous delivery system. The injection device appears to include a seal device including a preformed passage. Picha et al. appear to disclose the seal device is inserted into an access port and a cylindrical wall is folded over the outside wall of the access port to help secure the seal device to the access port. Picha et al. further appear to disclose a cap is secured over the seal device to securely fasten the assembly. Nowhere do Picha et al. appear to teach or suggest a seal having a solid cross-section as currently claimed.

Therefore, for at least these reasons, neither Matsumoto et al. nor Picha et al., taken alone or in combination, appear to teach or suggest the device as claimed. As such, the teachings of Matsumoto et al. and Picha et al. are not sufficient to render claim 1 *prima facie* obvious. For at least these reasons, claims 22 and 35 are believed to be patentable over Matsumoto et al. and Picha et al. and withdrawal of the rejection is respectfully requested. For similar reasons and others, claims 24-28 and 30 which depend from claim 22 and include additional distinguishing features, are believed to be patentable over Matsumoto et al. and Picha et al.

Conclusion


Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

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